

Japan

	2015	2016		
Internet Freedom Status	Free	Free	Population:	127 million
Obstacles to Access (0-25)	4	4	Internet Penetration 2015 (ITU):	93 percent
Limits on Content (0-35)	7	7	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	11	11	Political/Social Content Blocked:	No
TOTAL* (0-100)	22	22	Bloggers/ICT Users Arrested:	No
			Press Freedom 2016 Status:	Free

* 0=most free, 100=least free

Key Developments: June 2015 – May 2016

- In December 2015, the Saitama District Court ordered Google to remove references to an individual's past arrest for child prostitution from public search results; the Tokyo High Court overturned the ruling in 2016 (see **Content Removal**).
- Abusive speech about foreign residents of Japan continued to circulate online, prompting the Osaka city government to pass Japan's first ordinance to combat hate speech in January 2016 (see **Media, Diversity, and Content Manipulation**).
- Millions were affected by cyberattacks exposing personal data in 2015 and 2016 (see **Technical Attacks**).

Introduction

Privacy concerns, data leaks, and cyberattacks were key issues for Japanese internet users during the coverage period, though internet freedom overall saw no change.

Japan's constitution protects all forms of speech and prohibits censorship, while the government, especially the Ministry of Internal Affairs and Communications, maintains a hands-off approach to online content, which is generally self-regulated by industry players. Internet penetration is over 90 percent. Despite strong access, however, some legislation disproportionately penalizes specific on-line activities.

As part of the Abe administration's strategy to boost national security, lawmakers passed the Act on the Protection of Specially Designated Secrets in 2013. The legislation, which criminalized both leaking and publishing broadly defined national secrets regardless of intent or content, has repercussions for journalists, whistleblowers, and civil society watchdogs, particularly in the age of the internet. In a review of Japan's human rights practices in July 2014, the United Nations Human Rights Committee said the legislation laid out "a vague and broad definition of the matters that can be classified as secret" and "high criminal penalties that could generate a chilling effect on the activities of journalists and human rights defenders."¹

Security measures continued to be of particular concern for national and local government officials with the practical introduction of the "My Number" system of personal identification numbers throughout the country in October 2015.² Amendments to the Act on the Protection of Personal Information were passed in the Diet in early September 2015,³ in part to forestall fears of possible data leakages that were expected to heighten with the rollout of the system.⁴ The amendments strengthened requirements for companies that process data to remove details that could be used to identify individuals when sharing personal information.

Obstacles to Access

In general, Japanese internet users experience few obstacles to access. Internet access remains high, and mobile phone companies are increasingly expanding their technological offerings. The availability of third-party SIM cards with mobile operators unlocking phones for a small fee, and the greater availability of SIM-free models of phones and tablets, have spurred increased competition in the mobile market.

1 United Nations International Covenant on Civil and Political Rights Human Rights Committee, "Concluding observations on the sixth periodic report of Japan," August 20, 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2fCO%2f6&Lang=en.

2 "Gov't should give up use of 'My Number' system infringing on people's human rights," *Japan Press Weekly*, February 25, 2015, <http://bit.ly/1jQN0eh>; Ryo Asayama, "Japan's 'My Number' system offers IT boon, and risk," *Nikkei Asian Review*, March 17, 2015, <http://s.nikkei.com/1Lorvrl>.

3 "Revised personal information protection law enacted," *Mainichi Shimbun*, September 4, 2015.

4 "マイナンバー法案が審議入り 衆院本会議," [My Number Law proposal enters committee, Lower House plenary session] *Nikkei Asian Review*, April 23, 2015, <http://s.nikkei.com/1L1MX8r>; "マイナンバー法改正案が衆院可決 貯金口座にも適用," [My Number Law amendments expected to pass in the Lower House, will be applied to savings accounts] *ITmedia*, May 21, 2015, <http://bit.ly/1VH275Y>; "マイナンバー衆院通過 貯金口座にも適用 個人情報保護法改正案も," [My Number Law passes in the Lower House, to be applied to savings accounts, proposed amendments to Personal Privacy Law as well] *Sankei*, May 21, 2015, <http://bit.ly/1c7UmFR>.

Availability and Ease of Access

Internet penetration was at 93 percent in 2015, up from 89 in 2014.⁵ Mobile phone penetration reached 125 percent in 2015, including personal handy-phone (PHS) handsets.⁶ Official statistics report slightly over 155 million mobile phones (including PHS) in use in Japan in 2015, an increase of 4.9 percent over the previous year.⁷ Access is high quality with competitive speeds averaging 15.2 Mbps in 2015.⁸ Wi-Fi availability continued to increase in 2015 and 2016, including services provided by the private Wire and Wireless company, which offers free internet access in restaurants, coffee shops, and some train stations; registration requires an email address.⁹

Internet access costs most users around JPY 5,000 (US\$50) per month.¹⁰ According to the most recent government statistics, the average cost of internet access throughout Japan was JPY 6,505 (US\$64) per month in 2014, 12 percent higher than the previous year.¹¹ The statistics show major disparities between regions, with connectivity costs in the heavily populated Kanto area nearly a third higher than the national average, and comparatively rural areas such as Hokkaido, Tohoku, Hokuriku, and Kyushu averaging close to a third lower.¹² Many providers bundle digital media subscriptions, including cable television, Voice over IP (VoIP), and email addresses, pushing costs higher. Spending on internet access is highest in the 40-49 age group, closely followed by the under-40 age group, with those over 70 years of age spending the least (although 24 percent more than in 2013).¹³

As these figures suggest, access is well distributed across the population, though less common among the elderly. According to the latest available government Information Communications Statistics Database, internet penetration was 72 percent for children aged six to twelve in 2014, and over 95 percent in the age ranges of 13 to 49, compared to 21 percent for people over 80 years of age.¹⁴ Mobile phone operators are expanding their market for handsets designed for children and the elderly, with easy-to-use, large-button phones.

Restrictions on Connectivity

There are few infrastructural limitations on internet access in Japan, though the vulnerability of Japan's communication network became apparent in 2011, when an earthquake and tsunami hit Japan's east coast, triggering a nuclear plant accident. Infrastructure was severely damaged, leaving

5 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2015," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

6 International Telecommunication Union, "Mobile-cellular Telephone Subscriptions, 2000-2015," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

7 Ministry of Internal Affairs and Communications, "Information and communications statistical database, basic data" [in Japanese], <http://bit.ly/1ZgX2FO>.

8 Akamai's *State of the Internet*, "Asia-Pacific Highlights (Q1, 2015)," June 24, 2015, <https://www.stateoftheinternet.com/resources-connectivity-2015-q1-state-of-the-internet-report.html>.

9 Starbucks, "at_STARBUCKS_Wi2," http://starbucks.wi2.co.jp/pc/index_en.html.

10 Informal Freedom House survey of providers' costs.

11 Statistics Japan, *Katei shōhi jyōkyō chōsa nenpō* (Heisei 26 nen) *kekka-no gaikyō* (Household Consumption Survey Annual Report 2014, Overview of Results) [in Japanese], <http://www.stat.go.jp/data/joukyou/2014ar/gaikyou/index.htm>.

12 Statistics Japan, *Katei shōhi jyōkyō chōsa nenpō* (Heisei 26 nen) *kekka-no gaikyō* (Household Consumption Survey Annual Report 2014, Overview of Results) [in Japanese], <http://www.stat.go.jp/data/joukyou/2014ar/gaikyou/index.htm>.

13 Statistics Japan, *Katei shōhi jyōkyō chōsa nenpō* (Heisei 26 nen) *kekka-no gaikyō* (Household Consumption Survey Annual Report 2014, Overview of Results) [in Japanese], <http://www.stat.go.jp/data/joukyou/2014ar/gaikyou/index.htm>.

14 Ministry of Internal Affairs and Communications, *Information and Communications Statistics Database, Heisei 26 nen chosa*, <http://bit.ly/1mLJUEI>.

many people without service for periods from a few days to one month and restricting relief efforts. Mobile phone usage dropped by almost half in the affected areas.¹⁵

Network congestion and server outages—the result of increasing smartphone traffic due in part to many applications sending automatic signals every minute—also frequently affect mobile use. KDDI, one of three major mobile carriers, has reported large scale disruptions in the past, particularly in 2012 and 2013. Fewer disturbances were reported during this year’s coverage period.

Historically, Japan’s internet connections were forged through cooperation among government agencies (including ministries and NTT, which was a government-owned monopoly until 1985), higher education institutions (mainly universities), and national research institutions. According to the Japan Network Information Center website, the first network operations (known as “N-1 Network,” in operation from October 1974 to December 31, 1999) were a joint undertaking initially operated by the University of Tokyo, the University of Kyoto, and NTT that later expanded to link other national universities.¹⁶ The network of connected institutions started to expand in the mid-1980s with the start of JUNET (Japan University Network), pioneered by Keio University professor Jun Murai. The first Japanese university to connect to an overseas university (the City University of New York) was the Tokyo University of Science in 1985.

Providers continue to diversify to meet consumers’ needs by offering optical fiber services (mainly through NTT’s backbone services to newer detached homes and condominiums), as well as mobile and ADSL services (the latter for older homes). In 2013, Nippon Telegraph and Telephone Corporation’s (NTT) Docomo announced an expansion in LTE base stations to augment its Xi LTE and FOMA 3G services.¹⁷ Providers such as Asahi-net offer WiMAX plans with mobile routers capable of accessing multiple networks throughout the country.¹⁸

ICT Market

Japan has three major mobile operators—au (KDDI), NTT’s Docomo, and Softbank. All use the CDMA wireless network or a variant. NTT, formerly a state monopoly, was privatized in 1985 and reorganized in 1999 under a law promoting functional separation between the company’s mobile, fixed-line, and internet services.¹⁹ Asymmetric regulation, which creates stricter rules for carriers with a higher market share, helped diversify the industry.²⁰ While the telecommunications market operates with hundreds of providers offering FTTH, DSL, CATV, FWA, and BWA services, the NTT group remains dominant in practice.²¹ In 2015, NTT’s Docomo annual report noted that the company held 43.6 percent of the Japanese market share, followed by au (KDDI) (28.5 percent), Softbank (24.7 per-

15 Izumi Aizu, “The Role of ICTs During the Disaster,” *Global Information Society Watch Report 2011*, Association for Progressive Communications, 2011, <http://bit.ly/1FZMXGU>.

16 Japan Network Information Center, “The Internet Timeline,” accessed September 1, 2015, <https://www.nic.ad.jp/timeline/en/>.

17 NTT DOCOMO, “DOCOMO Introduces Compact LTE Base Station – Downsized Equipment Will Facilitate Wider, Denser LTE Coverage,” press release, June 20, 2013, <http://bit.ly/1Oo6lyP>.

18 AsahiNet, “Asahi Net WiMAX 2+,” <http://bit.ly/1N1Q6FQ>.

19 Law Concerning Nippon Telegraph and Telephone Corporation, Etc., No. 85, December 25, 1984, as last amended by Law No. 87, July 26, 2005, <http://bit.ly/1FZNyIG>.

20 Toshiya Jitsuzumi, “An Analysis of Prerequisites for Japan’s Approach to Network Neutrality,” (paper, Proceedings of the Telecommunications Policy Research Conference, 2012) <http://bit.ly/1dPQDcb>.

21 Minoru Sugaya, “Regulation and Competition in the JP Broadband Market,” (presentation, Pacific Telecommunications Council, Tokyo, Japan, January 15, 2012) <http://bit.ly/16U0HvB>.

cent), and a fourth player, Y!mobile (3.2 percent).²² Consolidation occurred in the mobile industry in the late 2015 fiscal year, as Y!mobile, which was formed in August 2014 through a merger of Emobile (formerly a roaming mobile company) and Willcomm (a PHS carrier),²³ joined the Softbank group.²⁴

No major foreign operators have successfully penetrated the telecommunications market independently; smartphone devices manufactured by Apple and Samsung are available to consumers through partnerships with the major mobile operators.

Increasing smartphone use has made the mobile market more competitive and resulted in improved pricing options: bundling mobile tablet plans with subsidies for second and third devices purchased by consumers; decreases in prices for data and family plans; and the introduction of benefits for long-term customers, such as those offered by Docomo to customers with 5- to 15-year histories of continuous service.

Third-party SIM card availability continued to increase during the coverage period. In 2014, the government announced plans to require cellphone carriers to unlock the SIM cards in mobile phones if requested by users, facilitating the use of third-party prepaid SIM cards.²⁵ In October 2014, the Ministry of Internal Affairs and Communications (MIC) issued new guidelines concerning SIM card unlocking.²⁶ Though the guidelines are still subject to criticism,²⁷ they helped address concerns that the cost of switching providers favored the dominant players and created a barrier for new entrants to the market. Besides benefitting Japanese consumers,²⁸ the change is expected to serve the influx of tourists to Japan during the 2020 Tokyo Olympics.²⁹

Regulatory Bodies

There is no independent regulatory commission in Japan, though observers believe that the industry has generally improved since the 2001 establishment of the Ministry of Internal Affairs and Communications (MIC), comprised of two former ministries (the Ministry of Home Affairs and the Ministry of Posts and Telecommunications) which were merged with the central government's Management and Coordination Agency. This "super ministry" regulates the telecommunications, internet, and broadcast sectors.³⁰ Nongovernmental, nonprofit organizations supported by the relevant companies in the sector have been formed to self-regulate the industry. These include television's Broadcasting Ethics and Program Improvement Organization, the Content Evaluation and Monitoring Association

22 NTT Docomo Inc., Annual Report 2015, p. 5. <https://www.nttdocomo.co.jp/english/corporate/ir/library/annual/fy2014/index.html>

23 "Ii mobairu to uirukomu ga "Y!mobile" ni – 8-gatsu ni burando o tōgō, sumaho 2 kishu nado shin tanmatsu o junji hatsubai," [E-Mobile and Willcomm merge their brands in August to become 'Y!mobile,' new handsets including two new smartphones to be launched successively] *ITmedia*, July 7, 2014, <http://bit.ly/1Qb1Q9Q>.

24 SoftBank Corp. "Notice of Merger," press release, January 23, 2015, <http://bit.ly/1Qb21BY>.

25 "Japanese cellular carriers to get ministry call to 'unlock' cellphones," *Asahi Shimbun*, June 29, 2014.

26 "New rule to OK unconditional switching of mobile carriers," *Japan Times*, October 1, 2014.

27 "Editorial: SIM lock removal requirement not enough for consumers," *Mainichi Daily News*, November 4, 2014.

28 "Phone users in Japan still paying for plenty of stuff they don't need," *Japan Times*, May 23, 2015.

29 "Narita airport to get SIM card vending machines," *Japan Times*, July 17, 2015.

30 Before 2001, regulation was managed by the now-defunct Ministry of Post and Telecommunications, and before that, the Diet.

for mobile platforms, and the internet's Content Safety Association, which manages blocking of child pornography online.³¹

Limits on Content

District courts ordered search engines to delink inaccurate or irrelevant material about specific individuals from public results, in a trend which could affect information in the public interest, although the Tokyo High Court overturned one such ruling on appeal. Media freedom observers reported increasing government pressure on traditional news outlets, and activists used digital tools to protest against laws which sought to redefine the role of Japan's Self-Defense Forces and reinterpret Article 9 of Japan's constitution, which embraces pacifism.

Blocking and Filtering

No direct political censorship has been documented in Japan. ISPs voluntarily filter child pornography, and many offer parents the option to filter other immoral content to protect young internet users.³² Depictions of genitalia are pixelated to obscure them for internet users based on a common—though poorly-articulated—interpretation of Article 175 of the penal code, which governs obscenity.³³ Otherwise, individuals or police instruct ISPs to administratively delete contested or illegal content.

The threat of official content restrictions looms periodically during public debates about child safety, though carriers and content producers have successfully resisted intrusive regulation. In 2007, the MIC ordered mobile operators to install filtering software enabling parents to control content seen by their children. A coalition of groups, including the Japan Internet Providers Association and the user rights organization Movement of Internet Active Users lobbied against the mandate and mobile users can now select voluntary filters.³⁴ Complaints to the official Consumer Affairs Agency about quasi-gambling functions in games played by children on mobile devices shot up in 2011, along with calls for government regulation.³⁵ Instead, in 2012, game developers Gree and DeNA Mobage voluntarily adopted caps on purchases of virtual items by minors.³⁶ Games integrated with social networks have also been criticized for their potential for abuse by sexual predators.

Private interests also pressure ISPs to restrict content. In 2012, a coalition of music rights advocates were reportedly offering to sell service providers a tool to detect whether material being uploaded

31 Broadcasting Ethics & Program Improvement Organization, "About BPO," <http://bit.ly/1jevVLs>; Content Evaluation and Monitoring Association, "About EMA," [in Japanese] <http://bit.ly/1P0Mqrf>; Internet Content Safety Association, "About the Organization," [in Japanese] <http://bit.ly/1Mhsnmy>.

32 Agence France-Presse, "Japan Internet Providers Block Child Porn," Benton Foundation, April 21, 2011, <http://bit.ly/1jQS9Di>; Electronic Network Consortium, "Development and Operation of the Next-Generation Rating/Filtering System on the Internet," press release, via New Media Development Association, April 30, 1999, <http://www.nmda.or.jp/enc/rating2nd-en.html>.

33 Amanda Dobbins, "Obscenity In Japan: Moral Guidance Without Legal Guidance," 2009, http://works.bepress.com/amanda_dobbins/1.

34 Izumi Aizu, "Japan," *Access to Online Information and Knowledge 2009*, Global Information Society Watch, <http://bit.ly/16AioGr>.

35 Ishaan, "Japanese Social Games Risk Seeing Crackdown," *Siliconera*, May 7, 2012, <http://bit.ly/1Mht0fY>.

36 Dr. Serkan Toto, "Self-Regulation: Dena Introduces Payment Caps For Minors On Mobage [Social Games]," Kantan Games, Inc (blog), April 24, 2012, <http://bit.ly/1MhtfYn>.

to the internet is subject to copyright, and sever connections of users violating Japan's strict copyright laws.³⁷ No follow-up was reported.

Content Removal

During the coverage period, courts continued to accept lawsuits from individuals requesting that search engines delink inaccurate or irrelevant material about them from public results. This "right to be forgotten" runs along similar lines to a 2014 decision by the Court of Justice of the European Union, which excluded public figures to prevent abuse, but placed the onus of assessing whether requests merit that exception on the companies that operate search engines. In Japan, which lacks similar legal guidance, cases against search engine companies have been dealt with by the courts on an individual basis.

In November 2015, the Tokyo District Court issued a temporary injunction for Google to remove search results involving a dentist's prior arrest for malpractice five years before, on grounds that "search results should be deleted after a certain period."³⁸ The decision was the first in a Japanese court to involve content relevant to an individual's profession,³⁹ though news reports did not indicate if content was restricted as a result. In a separate case in December 2015, the Tokyo District Court issued an injunction against Yahoo Japan to delete 11 out of 47 search results concerning an individual who maintained his right to privacy. The presiding judge explained that "descriptions found in search results about the man's past 'significantly distort the (plaintiff's) current status.'⁴⁰ Details of the content affected were not publicly reported. Also in December 2015, the Saitama District Court upheld that "the right to be forgotten should be recognized with the passage of time."⁴¹ Involving an individual who had been arrested for child prostitution and pornography in 2013, the original suit brought before the Saitama District Court in June 2015 ordered Google to remove search results, including media reports.⁴² Google appealed the decision to the Tokyo High Court, and in July 2016, that court overturned the earlier judgment, rejecting the appeal on the grounds that "the right to be forgotten is not a privilege stated in law and its prerequisites or effects are not determined."⁴³

The 2001 Provider Liability Limitation Act directed ISPs to establish a self-regulatory framework to govern takedown requests involving illegal or objectionable content, defamation, privacy violations and copyright infringement.⁴⁴ In 2002, industry associations produced guidelines designed to protect ISPs from legal liability within the jurisdiction of the Japanese courts. Under the guidelines, anyone can report material that infringes directly on their personal rights to the service provider, either to have it removed or to find out who posted it. No third party can do so. The provider notifies the individual who posted the content, and either fulfills the request with their permission or removes the content without the authors' approval if they fail to respond. If the poster refuses permission, the service provider is authorized to assess the complaint for themselves, and comply if they believe it

37 Enigmax, "Jail For File-Sharing Not Enough, Labels Want ISP-Level Spying Regime," *TorrentFreak*, June 24, 2012, <http://bit.ly/1L1Qnla>.

38 "Google ordered to delete search results on dentist's arrest," *The Asahi Shimbun*, November 2, 2015.

39 "Google ordered to delete search results on dentist's arrest," *The Asahi Shimbun*, November 2, 2015.

40 "Tokyo court orders Yahoo Japan to remove search results on individual," *Japan Today*, December 8, 2015.

41 "Japanese court recognizes 'right to be forgotten' in suit against Google," *Japan Today*, February 28, 2016.

42 "Japanese court recognizes 'right to be forgotten' in suit against Google," *Japan Today*, February 28, 2016.

43 "Tokyo High Court overturns man's 'right to be forgotten'," *The Japan Times*, July 13, 2016.

44 Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders, No. 137, November 30, 2001, available at UNESCO, <http://bit.ly/1VH6zBu>.

is legitimate. In this scenario, an ISP could give the complainant information to identify the poster—such as their name or IP address—without that person's consent, leading to privacy concerns. This process is voluntary, but by complying, service providers protect themselves from civil liability.⁴⁵

In recent years, content removals have focused on obscene content, including child pornography and “revenge porn,” explicit images shared without consent of the subject. After complying with a takedown order in 2014, Facebook was further ordered by a Tokyo court to “disclose the IP addresses used by fake accounts that were posting revenge porn.”⁴⁶ A law to address online harassment by means of posting explicit images without the subject's consent passed in November 2014. Prior to this law's passage, upon receiving a complaint, providers were legally obligated to contact the original poster of the images to indicate that such objectionable content would be taken down within seven days. In the case where there was no response from the original poster, the content could be legally deleted by the provider. The new law passed in 2014 reduced the duration of time allowed to the providers to comply with takedown requests from seven days to two days (see Legal Environment).⁴⁷ Between November 27 and December 31, 2014, over 100 complaints of revenge porn were received by the National Policy Agency.⁴⁸

The Internet Hotline Center, operated through the Internet Association Japan as part of a contract with the National Police Agency (NPA), cooperates with ISPs to solicit reports of illegal or harmful content from the public.⁴⁹ The center received a record high of 247,779 reports in 2015, an increase of close to 100,000 reports from the previous year and well above the former record high of 196,474 calls in 2012.⁵⁰ Nearly 140,000 reports were received between July and October 2015 alone.⁵¹ A breakdown of reports by type reveals that 72,073 cases, or 29 percent of the total for 2015, featured information involving illegal activities, such as public display of obscene materials or “publicly inciting or soliciting others to abuse controlled substances.” Among those, close to 50,000 were considered domestic cases, with the rest originating from overseas. A total 5,333 reports involved harmful information, which the center defines as “information that could invite illegal conduct, related to suicide, or which is ‘difficult to judge as illegal but seems to be illegal.’” Of these, 63 percent were assessed as originating overseas. The center characterized the remaining reports as “beyond [the] scope of its operational guidelines, including defamation, slander, murder notices, intellectual property infringement, information inappropriate for children, and other cases.”⁵² After assessing the reports, the center referred 48,702 cases of illegal information to the NPA for handling, resulting in 32,534 content removal requests sent to ISPs, who complied with 93 percent;⁵³ for harmful information, 203 reports were forwarded to the NPA, who sent 1,719 content removal requests to ISPs, who complied in 81 percent of cases.⁵⁴ Providers are not obliged to comply with content removal requests submitted through the center.

45 Business Software Alliance, “Country Report: Japan,” 2012, <http://bit.ly/1VH7uHq>.

46 “Court orders Facebook to reveal revenge porn IP addresses,” *Japan Today*, October 22, 2014,

47 “*Ribenjiporuno ni chōeki 3 nen ika no bassoku jimin hōan teishutsu e*” (“LDP submit Bill to punish revenue porn with up to three years’ imprisonment”), *Nihon Keizai Shimbun*, October 12, 2014. (http://www.nikkei.com/article/DGXLASF511H03_S4A011C1PE8000/)

48 Takuro Yagi, “Police field 110 complaints of ‘revenge porn’ in first month of tough new law,” *Asahi Shimbun*, April 3, 2015.

49 Internet Hotline Center Japan, “Annual Statistics 2013,” May 1, 2014, <http://www.internethotline.jp/statistics/2013e.pdf>.

50 Internet Hotline Center Japan, “Annual Statistics 2014,” June 8, 2016, http://www.internethotline.jp/statistics/index_en.html

51 Internet Hotline Center Japan, “Annual Statistics 2014,” June 8, 2016, http://www.internethotline.jp/statistics/index_en.html

52 Internet Hotline Center Japan, “Annual Statistics 2014,” June 8, 2016, http://www.internethotline.jp/statistics/index_en.html

53 Internet Hotline Center Japan, “Annual Statistics 2014,” June 8, 2016, http://www.internethotline.jp/statistics/index_en.html

54 Internet Hotline Center Japan, “Annual Statistics 2014,” June 8, 2016, http://www.internethotline.jp/statistics/index_en.html

Media, Diversity, and Content Manipulation

Japanese citizens exercise some self-censorship online, often on historical and social issues. The society at large prefers “harmony,” and people avoid criticizing the role of Japan’s Emperor, especially when connected with historic events like World War II. Individuals and public figures who break this code risk censure and even attacks from right-wing fanatics, who notoriously tried to assassinate the Nagasaki mayor on these grounds in the 1990s. Though exceptional, incidents like this still exert a chilling effect on Japanese expression.

Although not explicitly affecting Japan’s internet environment, commentators during the coverage period noted “alarming signs of deteriorating media freedoms in Japan.”⁵⁵ In January 2016, the internal affairs minister, Sanae Takaichi, told members of the Diet that “broadcasters that repeatedly failed to show “fairness” in their political coverage, despite official warnings, could be taken off the air.”⁵⁶ In March, three television news anchors lost their jobs following reports of pressure from the current administration. Accounts of government interference in news gathering began escalating in 2014, when Tokyo-based television stations received a government document instructing that they “ensure fairness, neutrality and correctness,” according to local news reports.⁵⁷ However, up to the end of the reporting period, there were no reports of content manipulation specifically focusing on digital content.

There are few known cases of the government or powerful groups proactively manipulating online news or other content. In a significant exception, officials and the Tokyo Electric Power Company (TEPCO) withheld data about pollution after a nuclear power plant in Fukushima prefecture was severely damaged by the 2011 earthquake and tsunami, and citizens unwittingly exposed themselves to radiation. The MIC requested that four industry associations monitor false or unsubstantiated content circulating about the disaster online, including on social networks. Some observers said this was a measure to control public discourse, though deletions were not widespread. Service providers removed content, which included images of corpses, in at least 13 cases,⁵⁸ though the National Police Agency reported 41 items for review.⁵⁹ Others found an outlet to report on the aftermath of the disaster online.⁶⁰

Media scrutiny of reportage involving the 2011 triple disaster continued during the coverage period. In mid-2016, articles appeared in major Japanese news outlets describing government officials pressuring TEPCO not to use the term “meltdown” at a news conference shortly after the events at the Fukushima Dai’ichi nuclear plant.⁶¹

55 Marvin Fackler, “The Silencing of Japan’s Free Press,” *Foreign Policy*, May 27, 2016, <http://foreignpolicy.com/2016/05/27/the-silencing-of-japans-free-press-shinzo-abe-media/>.

56 Justin McCurry, Japanese TV anchors lose their jobs amid claims of political pressure,” *The Guardian*, February 17, 2016, <https://www.theguardian.com/world/2016/feb/17/japanese-tv-anchors-lose-their-jobs-amid-claims-of-political-pressure>.

57 “Self-censorship sensed as Japan’s TV stations replace outspoken anchors,” *The Japan Times*, January 26, 2016.

58 Madeline Earp, “Freelance, online reporting discouraged on nuclear threat,” Committee to Protect Journalists (blog), April 14, 2011, <https://cpj.org/x/42f5>; Ministry of Internal Affairs and Communications, “Demand for Telecommunications Carriers Associations Regarding the Appropriate Response to False Rumors on the Internet Related to the Great East Japan Earthquake,” [in Japanese] press release, April 6, 2011, <http://bit.ly/1PjW9It>.

59 National Police Agency, “For Police Responding to False Rumors on the Internet,” [in Japanese] June 21, 2011, <http://bit.ly/1VH7IOT>.

60 Keiko Tanaka, “20 Bitter Voices Rise From Fukushima After Japan’s 2011 Nuclear Disaster,” trans. Taylor Cazella, *Global Voices*, December 2, 2013, <http://bit.ly/1L90n0j>.

61 Kazuaki Nagata, “Tepco chief likely banned use of ‘meltdown’ under government pressure: report,” *The Japan Times*, June 16, 2016.

In 2013 and 2014, some news reports expressed concern about nationalistic discourse by Japanese trolls, or *netōyo*, escalating into hate speech online, particularly targeting South Koreans and Chinese communities amid territorial disputes between Japan and their respective governments.⁶² After an examination of “Japan’s compliance with the international convention against racial discrimination” in August 2014, the UN Committee on the Elimination of Racial Discrimination recommended that hate speech be regulated.⁶³ As of August 2015, national-level legislation against hate speech remained elusive as major Japanese political parties were unable to agree on “a balance between restrictions on racial and ethnic slurs and freedom of expression guaranteed by the Constitution.”⁶⁴

Some countermeasures have been implemented. In 2015, a group of Korean residents and Japanese supporters established the Antiracism Information Center, which has a website and a physical location in Tokyo, to counteract hate speech online.⁶⁵ In May 2015, the Japanese website Niconico Dōga reported that it shut down a channel operated by the anti-Korean activist group *Zaitokukai*, citing violations of its terms of service.⁶⁶ In mid-December 2015, a viral online meme involving hate speech which purported to “debunk” the plight of refugees was circulated widely and subject to harsh criticism.⁶⁷ One month later, in January 2016, the Osaka city government passed Japan’s first ordinance to combat hate speech. The ordinance authorized the public disclosure of groups who disseminate hate speech, defined as “communication which defames and aims to exclude a particular group based on race or ethnicity” and including “online transmission,” according to news reports.⁶⁸

Blogs have a significant impact on public opinion, and several independent journalists are becoming influential through personal or commercial websites and social media accounts. Yet most online media remain small and community-based,⁶⁹ with no major national successes, and the mainstream media’s habit of compliance and restraint may be standing in the way of the combative online news culture flourishing elsewhere in Asia.⁷⁰ Kisha clubs, formal organizations only open to traditional media companies, and an advertising market that favors established players may be preventing digital media from gaining a foothold in the market. Kisha clubs provide essential access to officials in Japan, but have been accused of discriminating against new media practitioners in the past. In 2012, at least one online journalist was denied access to one of their Tokyo locations,⁷¹ and the only two freelancers permitted to join an official group of 40 reporters on a tour of the Fukushima nuclear disaster site were forbidden from taking equipment.⁷² Some online news outlets have struggled to sustain themselves financially. *OhmyNews*, a South Korean platform, established a Japanese operation

62 Keiko Tanaka, “Countering Hate Speech in Tokyo’s Koreatown,” trans. Aparna Ray, *Global Voices*, March 6, 2014, <http://bit.ly/1Rw5GLE>.

63 “U.N. Panel urges Japan to regulate hate speech by law,” *The Japan Times*, August 30, 2014.

64 “Party bickering shelves plan for law against ‘hate speech,’” *The Asahi Shimbun*, August 28, 2015.

65 Akira Nakano, “Antiracism website aids ethnic Korean victims of hate speech in Japan,” *The Asahi Shimbun*, May 10, 2015.

66 “Video posting site shuts down anti-Korean Zaitokukai activists’ channel,” *The Japan Times*, May 20, 2015.

67 “As Japan Refuses to Accept More Refugees, a Hateful Meme Goes Viral,” *Global Voices*, December 18, 2015. <https://globalvoices.org/2015/12/18/as-japan-refuses-to-accept-more-refugees-a-hateful-meme-goes-viral/>.

68 “Osaka assembly passes Japan’s 1st ordinance to deter hate speech,” *Japan Today*, January 16, 2016.

69 Keiko Tanaka, “Japan’s Citizen Media Meet at Mikawa Medifes 2014,” *Global Voices*, May 4, 2014, <http://bit.ly/1hsFOOP>.

70 Roger Pulvers, “Danger lurks when self-restraint segues into media self-censorship,” *The Japan Times*, January 10, 2010, <http://bit.ly/1Nq7dUR>.

71 Keiko Tanaka, “Online Journalist Barred from Japan’s Diet Press Hall,” *Global Voices*, October 12, 2012, <http://bit.ly/1L1S9t1>.

72 Reporters Without Borders, “Freelance Journalists Face Discrimination On Fukushima Plant Visit,” May 23, 2012, <http://bit.ly/1Rw6qAu>.

in 2006, but closed in 2008. The U.S.-based *Huffington Post* media website launched a Japanese-language version in 2013.⁷³

YouTube, Twitter, Facebook, and international blog-hosting services are freely available, as are popular domestic platforms like Niconico Dōga, a video-sharing site, and LINE, a Korea-based chat application that was launched in Japan in 2011. Online campaigning continues to advance in Japan, as candidates and political parties used their websites and social media channels to share information and communicate with the electorate ahead of the July 2016 Upper House election. As only the third national-level election to be held in Japan since legislation allowing the use of websites and social networking services was passed in April 2013, candidates in particular made extensive use of platforms including Twitter, Facebook, YouTube, Niconico Dōga, and Ustream. However, even under revisions of the Public Offices Election Law, although political parties and candidates may use email in their campaigns, general voters are not allowed to “call for votes” for a particular candidate via email (see Legal Environment).⁷⁴

Digital Activism

Much digital activism in Japan has been effective at the local rather than national level. Grassroots online movements emerged in the mid-1980s when local community networks organized to protest deforestation in Zushi, Kanagawa prefecture.⁷⁵ Since then, some forms of digital activism have taken on social issues, such as one tracking racist graffiti in Tokyo.⁷⁶

More initiatives sprang up in the “post-3.11” era (3.11 connotes the March 11, 2011 earthquake, tsunami, and nuclear plant accident). In the immediate aftermath of the triple disaster, maps sharing public information about disaster relief,⁷⁷ and Google’s “Person Finder” web application were examples of the effective use of the internet to facilitate recovery.⁷⁸ Digital activists further spurred large demonstrations and protests against nuclear energy, many of which were organized through the internet and social media.

Free speech activists have also used the internet to campaign against the State Secrets law, which came into effect in 2014 (see Legal Environment). A Japanese internet activist and academic launched a whistleblower website to challenge the law.⁷⁹ The Students Against Secret Protection Law (SASPL), a Japanese activist group, actively used their website and social media channels to draw attention to and petition against the law’s enactment. In May 2015, the group metamorphosed into the Students Emergency Action for Liberal Democracy (SEALDs) and continued to campaign via the internet against proposed laws which sought to redefine the role of Japan’s Self-Defense Forces and reinterpret Article 9 of Japan’s Constitution, which renounces war.⁸⁰ The SEALDs actively protested

73 Arianna Huffington, “Postcard From Japan: Talking Zen, Abenomics, Social Networking and the Constitution With Prime Minister Shinzo Abe,” *Huffington Post*, May 9, 2013, <http://huff.to/1MhvStk>.

74 “公職選挙法—SNSでの選挙運動はOK, メールはNG” (Public Offices Election Law: Using SNS for campaign activities is okay, using email is ‘no good’). *President* (online), July 4, 2013 (July 15, 2013 print edition), <http://president.jp/articles/-/9831>.

75 Howard Rheingold, *The Virtual Community*, MIT Press, 1993.

76 Keiko Tanaka, “Countering Hate Speech in Tokyo’s Koreatown,” *Global Voices*, March 6, 2014, <http://bit.ly/1Rw5GLE>.

77 Keiko Tanaka, “Japan: OpenStreetMap Aggregates Typhoon Info,” *Global Voices*, October 18, 2013, <http://bit.ly/1jd6h9c>;

Keiko Tanaka, “Mapping Earthquake Reconstruction in Tohoku, Japan,” *Global Voices*, October 7, 2013, <http://bit.ly/1PjWKd0>.

78 David Goldman, “Google gives ‘20%’ to Japan crisis,” *CNN Money*, March 17, 2011, http://money.cnn.com/2011/03/17/technology/google_person_finder_japan/.

79 “Japanese activist challenges secrets law with whistleblower website,” *Japan Today*, December 22, 2014.

80 Jeff Kingston, “SEALDs: Students Slam Abe’s Assault on Japan’s Constitution,” *The Asia-Pacific Journal: Japan Focus*, Volume 13, Issue 36, Number 1, August 31, 2015. <http://apjif.org/-Jeff-Kingston/4371>.

the changes as undermining Japan's pacifist stance, although a bill reinterpreting Article 9 to allow "collective self-defense" in support of Japan's allies passed into law in mid-September.⁸¹ The SEALDs disbanded in August 2016, one month after the Upper House election in July.

Violations of User Rights

Significant amendments to the Act on the Protection of Personal Information (also referred to as the "Personal Privacy Law") were passed by the Diet in September 2015. While no security breaches affecting the new ID numbers allocated to residents of Japan under the "My Number" law have been reported since it went into operation in October 2015, official agencies reported that millions had been affected by record numbers of cyberattacks targeting personal data in 2015 and 2016.

Legal Environment

Article 21 of Japan's constitution prohibits censorship and protects freedom of "speech, press and all other forms of expression," as well as the "secrecy of any means of communication."⁸² In general, individuals and the media can exercise this in practice, though social and legal constraints exist.

The Act on the Protection of Specially Designated Secrets came into force in December 2014, despite objections from the opposition, civil society, and protesters. The law gives a range of officials the discretion to indefinitely restrict public information pertaining to national security in any one of the categories of defense, foreign affairs, "prevention of designated harmful activities" (such as "counter-intelligence"), and prevention of terrorism.⁸³ Overseen by government officials rather than an independent body, it offers no protection for whistleblowers who reveal wrongdoing, leaving it open to misuse against Wikileaks-style whistleblowers and journalists.⁸⁴ For those people who handle such state-designated secrets, intentional leaks are punishable by up to 10 years' imprisonment, and unintentional leaks by up to 2 years. Individuals who knowingly receive such secrets from an administrative organ risk up to five years in prison for intentional disclosures and one year for disclosures made through negligence.⁸⁵ Subsequent guidelines outlined four main fields of state secrets (defense, diplomacy, anti-espionage, and antiterrorism measures), which are further divided into 55 categories.⁸⁶ Responding to criticism,⁸⁷ the government solicited public comments for a period of 30 days.⁸⁸ After receiving more than 20,000 public comments,⁸⁹ draft revisions were tabled. Yet even these drew concerns, particularly in terms of how the law would actually work in practice.⁹⁰ Protests continued throughout the country prior to the bill's coming into force in December 2014.

81 Matt Ford, "Japan Curtails Its Pacifist Stance," *The Atlantic*, September 19, 2015, <http://www.theatlantic.com/international/archive/2015/09/japan-pacifism-article-nine/406318/>.

82 The Constitution of Japan, November 3, 1946, <http://bit.ly/1Lp7Tm>.

83 Prime Minister of Japan, "Overview of the Act on the Protection of Specially Designated Secrets (SDS)," 2013, <http://bit.ly/1OobNSj>.

84 "Weak state secrets oversight," *The Japan Times*, July 28, 2014, <http://bit.ly/1Mgu5QZ>.

85 Cabinet Secretariat, "Overview of the Act on SDS Protection: 5. Penalty and Others," Preparatory Office for Enforcement of the Act on the Protection of Specially Designated Secrets," http://www.kantei.go.jp/jp/topics/2013/headline/houritu_gaiyou_e.pdf#page=6&zoom=auto,-8,62.

86 "State secrets to be refined into 55 fields," *The Japan News (Yomiuri Shimbun)*, July 18, 2014.

87 "Government revising guidelines on state secrets amid flurry of criticism," *The Japan Times*, September 20, 2014, <http://bit.ly/1VHejsH>.

88 "Government revising guidelines on state secrets amid flurry of criticism."

89 "Gov't sets guidelines on state secrets as concerns remain over arbitrary designation," *Mainichi Shimbun*, October 15, 2014.

90 "Kansai's fears of new law no state secret," *Japan Times*, October 26, 2014.

Other laws include potentially disproportionate penalties for online activity, including a 2012 legal revision targeting copyright violators—including any internet user downloading content they know has been illegally copied, as opposed to just those engaged in piracy for commercial gain.⁹¹ While both uploading and downloading pirated material was already illegal under the copyright law, with uploaders subject to 10 years' imprisonment or fines up to JPY 10 million (US\$102,000), the version in effect since October 1, 2012 added two years in jail or fines up to JPY two million (US\$20,500) for downloading a single pirated file.⁹² The Japanese Bar Association said that downloading, as an essentially insignificant personal act, should be regulated by civil instead of criminal laws.⁹³ In November 2015, five people were arrested for posting a chapter of *One Piece* online, a popular manga comic that is serialized monthly. The five people uploaded a chapter (translated into English) onto a website "host[ing] unauthorized uploads of Japanese comics."⁹⁴

A 2013 revision of the Public Offices Election Act undid long-standing restrictions on the use of the internet for election campaigns. Limits remain on paid online advertising and campaign emails, which could only be sent directly by a party or candidate—not a supporter—in a measure designed to prevent fraud, though members of the electorate can freely solicit support on social media.⁹⁵ While these provisions were contested and revisions are still planned,⁹⁶ news reports said politicians violating these restrictions face a potential JPY 300,000 (US\$3,060) fine or one year in prison; imprisonment would strip them of political rights to vote or run for office. Voters found improperly soliciting support for a candidate via email could be fined JPY 500,000 yen (US\$5,100) or jailed for two years, which would also deprive them of political rights.⁹⁷

Article 175 of the Japanese penal code bans the sale or distribution of broader categories of obscene material, and while it dates from over 100 years ago, it is considered to apply online.⁹⁸ However, it does not define what constitutes obscenity, leading to concerns that it may infringe on artistic expression and LGBTI (lesbian, gay, bisexual, transgender, and intersex) rights.⁹⁹ In June 2014, a law passed punishing possession of images of child sexual abuse, with a possible penalty of one year imprisonment.¹⁰⁰ In August 2015, police in the Kansai area of Japan issued an arrest warrant for the founder of FC2 (a video-sharing website), under suspicion of uploading obscene "electromagnetic recordings" and making them available to an "unspecified number of people."¹⁰¹ The suspect and the corporation that operates FC2 are both based in the U.S.¹⁰²

91 Daniel Feit, "Japan Passes Jail-for-Downloaders Anti-Piracy Law," *Wired*, June 21, 2012, <http://wrd.cm/1hsGKaV>.

92 Maira Sutton, "Japan's Copyright Problems: National Policies, ACTA, and TPP in the Horizon," *Deeplinks Blog*, Electronic Frontier Foundation, August 21, 2012, <https://www.eff.org/deeplinks/2012/08/copyright-japan>.

93 "Japan Introduces Piracy Penalties for Illegal Downloads," BBC, September 30, 2012, <http://bbc.in/1g7S3gn>.

94 Casey Baseel, "Police arrest 5 men over illegal upload of 'One Piece' manga and translation," Rocket News, November 21, 2015. <http://en.rocketnews24.com/2015/11/21/police-in-japan-arrest-five-men-connected-with-illegal-upload-of-one-piece-manga-and-translation/>.

95 "Editorial: Internet election campaigns can change Japan's politics," *Asahi Shimbun*, April 20, 2013, <http://bit.ly/1cQFvZ>.

96 Ida Torres, "Japan's Internet election campaigning ban one step closer to being lifted," *Japan Daily Press*, April 4, 2013, <http://bit.ly/1R1hVPk>.

97 Ayako Mie, "Election campaigning takes to Net," *The Japan Times*, April 11, 2013, <http://bit.ly/1GyqxaQ>; "Japanese parliament permit use of Internet campaigning during elections," *TJC Global* (blog), April 20, 2013, <http://bit.ly/1LBPNV>.

98 James R. Alexander, "Obscenity, Pornography, and the Law in Japan: Reconsidering Oshima's *In the Realm of the Senses*," *Asian-Pacific Law and Policy Journal* 4, no.1 (2003): 148-168, <http://bit.ly/1OodGhM>; Keiho [Penal Code] Act No. 45 of April 24, 1907, [in Japanese] <http://bit.ly/1JVbWGD>.

99 Keiko Tanaka, "Japan's Porn Law is Strangling Artists," February 18, 2013, <http://bit.ly/1VHbkLA>.

100 "Japan bans child pornography possession," BBC, June 18, 2014, <http://bbc.in/1qc3U5j>.

101 "Arrest warrant issued for founder of FC2 video-sharing website on obscenity charges," *Mainichi Japan*, August 20, 2015.

102 "FC2 founder placed on intl wanted list," *Japan News by The Yomiuri Shimbun*, August 20, 2015.

Heightened awareness of revenge porn and online harassment culminated in the ruling Liberal Democratic Party (LDP) passing a bill criminalizing revenge porn in November 2014. The law stipulates that “offenders who distribute such images could face up to three years in prison or a fine of up to JPY 500,000 yen (US\$5,100), with third-party distribution also leading to up to one year in prison or a fine of JPY 300,000 yen (US\$3,060).”¹⁰³

Prosecutions and Detentions for Online Activities

No citizens faced politically-motivated arrest or prosecution for legitimate digital activity during the coverage period of this report.

Surveillance, Privacy, and Anonymity

Japan’s Supreme Court protects privacy through its interpretation of Article 13 of the constitution, which provides for the right to life and liberty.¹⁰⁴ “Secrecy of communication” is also protected under telecommunications laws,¹⁰⁵ though some digital activities require registration. Major mobile carriers require customers to present identification documents in order to subscribe. Internet cafe users are required to produce formal ID such as a driver’s license and register their name and address. Police can request these details, along with usage logs, if they detect illegal online activity.

Under voluntary guidelines drafted by four ISPs in 2005, service providers automatically inform police of internet users identified on pro-suicide websites, and comply with law enforcement requests for information related to acts of self-harm.¹⁰⁶ A law enacted in 2003 and revised in 2008 prohibits electronic communications from encouraging sexual activity with minors.¹⁰⁷ Under the law, all online dating services must register with the police, verify their customers’ ages with a driver’s license or credit card, and delete or block content that appears to involve someone under 18; most services voluntarily monitor messages in real-time to ensure compliance.

Under a wiretap law enacted in 1999, law enforcement agents may seek a court order to conduct electronic surveillance in criminal investigations involving drugs, firearms, human trafficking, or organized murders, in an exception to articles of other laws that explicitly forbid wiretapping.¹⁰⁸ The law obliges agents to notify targets of wiretaps after investigations are concluded and inform the Diet about the number they implement annually. While the law was extremely controversial when it passed, in part due to the authorities’ politicized abuse of surveillance in the past,¹⁰⁹ lawmakers were seeking to expand it in 2012.¹¹⁰ Critics say the law does not prevent the systematic storage of inter-

103 “Release of explicit images without consent to be criminalized,” *Japan Times*, November 18, 2014.

104 Privacy International, “Chapter i: Legal Framework,” in *Japan*, December 12, 2006, <https://www.privacyinternational.org/reports/japan/i-legal-framework>.

105 Ministry of Internal Affairs and Communications, Telecommunications Business Act, Act No. 86 of December 25, 1984, <http://bit.ly/1Zhfm8n>.

106 Carolina A. Klein, “Live Deaths Online: Internet Suicide and Lethality,” *American Academy of Psychiatry and the Law* 40, no. 4 (December 2012): 530-536, <http://www.jaapl.org/content/40/4/530.full>.

107 Akira Saka, “Regulation for Online Dating in Japan,” (presentation Keio University, Japan, 2008) <http://bit.ly/1GyrZtl>.

108 Privacy International, “Chapter ii: Surveillance,” in *Japan*, December 12, 2006, <https://www.privacyinternational.org/reports/japan/ii-surveillance-policy>.

109 In 1997, a court ordered the government to pay a senior member of the Japanese Communist Party 4 million yen [US\$35,500] in damages for illegally wiretapping his residence in the 1980s. See, “Tokyo, Kanagawa Bow to Wiretap Ruling,” *The Japan Times*, July 7, 1997, <http://bit.ly/1P0TRhW>.

110 Tsuyoshi Tamura, “Legal panel to discuss wiretapping for wider range of crimes,” *Asahi Shimbun*, December 25, 2012, <http://bit.ly/1L95Tjl>.

cepted communications or protect innocent parties.¹¹¹ Security agents and the military have been accused of implementing illegal surveillance in cases involving national security in 2003 and 2004.¹¹²

A law to protect personal information dating from 2003 protects individuals' data collected electronically by private and public sector organizations, where the data involves more than 5,000 records.¹¹³ Law enforcement requests for this data should be supported by a warrant.¹¹⁴ In response to technological developments, the growing use of big data, and the introduction of the "My Number" national resident system the following month, significant amendments to the Act on the Protection of Personal Information (also referred to as the "Personal Privacy Law") were passed by the Diet in September 2015. In the amended Act, "personal information" is defined in more specific terms as "biometric information" and "numeric data that is capable of identifying a specific individual (such as mobile phone numbers and passport numbers)."¹¹⁵ Anonymization provisions allow for personal data to be transferred to a third party without the consent of the subject if specific requirements are met.¹¹⁶ The amendment banned the collection of sensitive information such as "race, medical history, and criminal history."¹¹⁷ Criminal sanctions for misusing personal data and restrictions on the transfer of personal data to overseas jurisdictions lacking equivalent data protection frameworks were also strengthened.¹¹⁸ Finally, the amendment established the Personal Information Protection Committee as an "independent authority under the Cabinet Office" as a replacement for the Consumer Affairs Agency, which previously oversaw personal data utilization.¹¹⁹

The "My Number" law, which was passed in the Diet in May 2013, came into effect during the coverage period of this report. From October 2015, all long-term residents of Japan were assigned a unique 12-digit number to be used for unified social welfare services, including taxation, pension benefits, and healthcare. Municipal governments also offered photo ID cards with "My Number" information that contain electronic data chips. A public opinion survey conducted by the Cabinet Office in January 2015 found that while only 28 percent of respondents were aware of the "My Number" system, nearly a third of those were concerned that "My Number" information could be used for unauthorized purposes.¹²⁰

Data storage for an individual's "My Number" occurs mainly on the municipal government level, which is the basis for administration of the national resident register, municipal taxation, healthcare, and social services. In addition to collecting "My Number" identification numbers from their own employees, public and private employers also require employees to submit their dependents' "My

111 Privacy International, "Chapter ii: Surveillance."

112 Reuters, "Japan's Military Watched Citizens: Communist Party," *bdnews24*, June 6, 2007, <http://bit.ly/1PjY3ss>.

113 Business Software Alliance, "Country Report: Japan."

114 Privacy International, "Chapter iii: Privacy Issues," in Japan, December 12, 2006, <https://www.privacyinternational.org/reports/japan/iii-privacy-issues>.

115 "New amendments to data protection law in Japan," Simmons & Simmons elexica, September 11, 2015, <http://www.elexica.com/en/legal-topics/data-protection-and-privacy/11-new-amendments-to-data-protection-law-in-japan>.

116 "New amendments to data protection law in Japan," Simmons & Simmons elexica, September 11, 2015, <http://www.elexica.com/en/legal-topics/data-protection-and-privacy/11-new-amendments-to-data-protection-law-in-japan>.

117 Joe Jones, "Japan's Amends its Data Privacy Law: 'Big Data' Comes with New Regulations," Global IP & Privacy Blog, September 16, 2015, <http://www.iptechblog.com/2015/09/japan-amends-its-data-privacy-law-big-data-comes-with-new-regulations/>.

118 Daisuke Tatsuno and Kensaku Takase, "Introduction of significant amendments to Japan's Privacy Law," Global Compliance News, September 4, 2015, <https://globalcompliancenews.com/introduction-of-significant-amendments-to-japans-privacy-law/>.

119 "New amendments to data protection law in Japan," Simmons & Simmons elexica, September 11, 2015, <http://www.elexica.com/en/legal-topics/data-protection-and-privacy/11-new-amendments-to-data-protection-law-in-japan>.

120 "Editorial: Gov't must explain purpose of 'My Number' identification system," *The Mainichi*, March 31, 2015, <http://bit.ly/1FUXUd4>.

Number" identification numbers to confirm dependent status. Upon such requests, employers must confirm beforehand that they are using dependents' "My Number" identification numbers only for such purposes and that they have systems in place to safeguard personal information. Despite initial fears,¹²¹ no official reports of fraudulent use of personal data have been made since the system's implementation.

The government has announced that starting in 2018, "My Number" identification numbers may be linked voluntarily with individuals' bank accounts to ensure accurate reporting of annual income, benefits, and taxation, with this provision becoming mandatory from 2021.¹²²

The "My Number" system is the most recent in a series of attempts to nationally unify Japan's Basic Resident Registry procedures to facilitate information sharing among local governments in the case of residents who move, register births and deaths, and apply for social services.¹²³ The issue of a nationally available registry service has been contested based on privacy issues and fears of personal information leakages. Politicians and bureaucrats have maintained that personal identification numbers would streamline social benefits and maintain accuracy and fairness in the provision of government services,¹²⁴ as well as assist in identifying individuals in the case of natural disasters.¹²⁵

Intimidation and Violence

No physical violence has been reported against bloggers or internet users in relation to their online activity.

Technical Attacks

While distributed denial-of-service (DDoS) attacks were part of the arsenal used by nationalists in Japan, China, and South Korea to target perceived opponents in other countries, and cyberattacks have been reported against commercial and government targets,¹²⁶ they are not known to have been used to systematically target individuals or civil society groups. However, media and individual attention to cybersecurity threats has increased since mid-2015 when 1.25 million citizens were affected by the release of personal information obtained by illegally accessing Japan's pension system using an email virus.¹²⁷

In January 2016, a Kyodo News survey reported that "at least 2.07 million sets of personal data were [either] stolen or feared leaked from 140 companies and organizations in Japan [that] were hit by cyberattacks in 2015."¹²⁸ Nearly half of the targets, including private companies, government agencies, and universities, indicated that they noticed such attacks only after being alerted by third parties,

121 "'My number' is dangerous," *The Japan Times*.

122 "My Number system raises red flags in Japan ahead of notice release," *Asia Times*, October 3, 2015. <http://atimes.com/2015/10/my-number-system-raises-red-flags-in-japan-ahead-of-notice-release/>

123 Rebecca Bowe, "In Japan, National ID Proposal Spurs Privacy Concerns," *DeepLinks Blog*, Electronic Frontier Foundation, June 13, 2012, <http://bit.ly/1OofXJQ>.

124 "EDITORIAL: ID number system should be a tool to build a fair society," *The Asahi Shimbun*.

125 "Lower House passes 'my number' bill," *The Japan Times*, May 10, 2013, <http://bit.ly/1L1We0n>.

126 "Over 1,000 targeted cyber-attacks hit Japanese entities in 2012," *The Japan Times*, March 1, 2013, <http://bit.ly/1LBUFFq>.

127 William Mallard and Linda Sieg, "Japan pension system hacked, 1.25 million cases of personal data leaked," eds. Robert Birsel and Clarence Fernandez, *Reuters*, June 1, 2015, <http://reut.rs/1QkFnWy>.

128 "At least 2 million sets of personal data feared stolen in 2015 cyberattacks," *The Japan Times*, January 4, 2016.

including the Japan Computer Emergency Response Team Coordinator Center and the police.¹²⁹ In February 2016, the National Institute of Information and Communications Technology reported “a record 54.51 billion cyberattacks detected in Japan” throughout 2015, and said that many originated from computers in China and the United States.¹³⁰

Cyberattacks focusing on animal rights issues garnered media attention during the coverage period. Early 2016 news articles reported DDoS attacks targeted the prime minister’s official website to protest Japanese whaling activities throughout 2015.¹³¹ Websites associated with the Taiji dolphin hunt, the location featured in the 2009 documentary “The Cove,” were also subject to repeated cyberattacks during October and early November.¹³² The Anonymous hacker network reportedly claimed responsibility for at least 37 such attacks; the Taiji municipal website was a major target.¹³³ Anonymous hackers used Twitter to warn of further attacks on the Taiji municipal website as well as aquariums throughout Japan.¹³⁴ This activity continued into 2016, with Japanese car manufacturer Nissan, and Narita Airport reporting cyberattacks in January 2016.¹³⁵ In February 2016, Anonymous claimed responsibility for cyberattacks causing outages on the Japan External Trade Organization (JETRO), National Tax Agency, and Japan Securities Finance Company websites.¹³⁶

129 “At least 2 million sets of personal data feared stolen in 2015 cyberattacks,” *The Japan Times*, January 4, 2016.

130 “Record 54.5 bil cyberattacks detected in Japan in 2015,” *Japan Today*, February 21, 2016.

131 “At least 2 million sets of personal data feared stolen in 2015 cyberattacks,” *The Japan Times*, January 4, 2016.

132 “Cyber-attacks spread across Japan from Taiji dolphin hunt town,” *The Asahi Shimbun*, November 13, 2015.

133 “Cyber-attacks spread across Japan from Taiji dolphin hunt town,” *The Asahi Shimbun*, November 13, 2015.

134 “Cyber-attacks spread across Japan from Taiji dolphin hunt town,” *The Asahi Shimbun*, November 13, 2015.

135 “Narita airport website inaccessible after huge number of accesses,” *Japan Today*, January 24, 2016. “Nissan shuts down websites after anti-whaling cyberattacks,” *The Japan Times*, January 14, 2016.

136 “Anonymous hackers harpoon Japanese websites in whaling protest,” *The Japan Times*, February 10, 2016.